

# United States District Court

for

*District of Guam*

## Report for Modifying the Conditions or Term of Supervision with Consent of the Offender

*(Probation Form 49, Waiver of Hearings is Attached)*

Name of Offender: **Vicente Guerrero Perez**

Case Number: **CR 03-00001-001**

Name of Sentencing Judicial Officer: Honorable John S. Unpingco

Date of Original Sentence: July 2, 2003

Original Offense: Use of a Communication Facility in Facilitating a Controlled Substance Offense, in violation of 21 U.S.C. § 843(b).

Original Sentence: 48 months imprisonment, followed by a one year term of supervised release with conditions: not commit another federal, state, or local crime; not illegally possess a controlled substance; refrain from any unlawful use of a controlled substance; submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter; not possess a firearm; comply with the standard conditions of supervision; refrain from the use of any and all alcoholic beverages; participate in a program approved by the U.S. Probation Office for assessment and treatment of narcotic addiction or drug or alcohol dependency, which will include testing for the detection of substance use or abuse; undergo a mental health assessment and treatment if recommended; obtain and maintain gainful employment; perform 100 hours of community service; and pay a \$100 special assessment fee. **Violation Report** filed on February 5, 2007, for an arrest for Family Violence and Assault and for Criminal Mischief and Theft of Utilities. The Court ordered that supervision continue. **Informational Report** filed on May 9, 2007 due to a positive drug test (ice).

Type of Supervision: Supervised Release

Date Supervision Commenced:

September 20, 2006

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### PETITIONING THE COURT

☐

To extend the term of \_\_\_\_\_ years, for \_\_\_\_\_ years.

☒

To modify the conditions of supervision as follows:

The defendant shall serve four (4) days of intermittent confinement, pursuant to 18 U.S.C. §§ 3583(e)(2) and 3583(d)(3) at the direction of the U.S. Probation Office, the Bureau of Prisons, and the U.S. Marshal's Service.

CAUSE

On May 10, 2007, Vicente Perez tested presumptive positive for methamphetamine at the U.S. Probation Office. He executed an admission form, admitting to using "meth" on May 10, 2007. Mr. Perez stated he used "meth" as a result of stress related to his daughter's recent beyond control issues. On May 25, 2007, Vicente Perez tested presumptive positive for opiates at the drug testing vendor. He executed an admission form, admitting to using "morphine" on May 23, 2007. Mr. Perez stated that he used "morphine," which he obtained from a "friend" to alleviate body aches associated with the flu and pain caused from construction work. Mr. Perez expressed remorse for his illicit use of drugs. He stated that he will refrain from further illicit drug use.

With the exception listed above, Mr. Perez has been compliant with his mental health treatment program, which focuses on family therapy issues. In addition, he is gainfully employed as a laborer with a construction company. Mr. Perez has a balance of 53 hours of community service, with the last performance on April 28, 2007. Furthermore, he paid his special assessment fee on July 15, 2003, and submitted to a DNA sample of his blood on July 5, 2006. As a result of his positive drug tests, he has been regressed in the substance abuse treatment and testing program.

Based on the information above, this Officer respectfully requests that the Court modify the conditions of supervised release, pursuant to 18 U.S.C. § 3583(e)(2) as outlined above. Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Mr. Perez's consent to the modification.



/s/ ROSSANNA VILLAGOMEZ-AGUON  
U.S. Probation Officer  
Supervision Unit Leader



/s/ JOHN W. SAN NICOLAS II  
U.S. Probation Officer

Date: June 6, 2007

Date: June 6, 2007

**THE COURT ORDERS**

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- ☐ No Action
- ☐ The Extension of Supervision as Noted Above.
- ☐ The Modification of Conditions as Noted Above.
- ☐ Other

*United States District Court*

for

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**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

I agree to the modification of my supervised release conditions to include the following conditions:

1. The defendant shall serve four (4) days of intermittent confinement, pursuant to Title 18 U.S.C. § 3583(e)(2), 3583(d)(3) at the direction of the U.S. Probation Office, the Bureau of Prisons, and the U.S Marshals Office.

Witness:

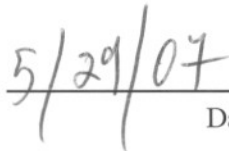
  
John W. San Nicolas II

U.S. Probation Officer

Signed:

  
Vicente G. Perez

Probationer or Supervised Releasee

  
Date